

Notice of Allowability

Application No.

10/076,029

Examiner

Susanna M. Diaz

Applicant(s)

SIMON ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's amendment filed January 19, 2005.
2. ☒ The allowed claim(s) is/are 1-9, 32-36, 49-52, 71-73, 79 and 82.
3. ☒ The drawings filed on 08 April 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Susanna Diaz
SUSANNA M. DIAZ
PRIMARY EXAMINER

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Scott Brient (Reg. No. 44,561) on March 31, 2005.

The application has been amended as follows:

Claim 1, last line of the claim: Delete "subsequent days.", Insert the following:

-- subsequent days;

wherein, in response to determining not to schedule a particular one of said periodic series of delivery vehicle visits:

identifying, and presenting to the user, two or more alternative time windows; and

allowing said user to schedule said particular delivery vehicle visit to be made within a particular one of said two or more alternative time windows; and

wherein said step of allowing said user to specify a schedule for said periodic series of delivery vehicle visits includes allowing said user to specify a certain number of delivery vehicle visits to be completed in said series, and a frequency with which said delivery vehicle visits are to occur. --

Claim 32, line 14 of the claim: Insert -- , via a computer processor, -- after "determining"

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Claim 32, last line of the claim: Delete "subsequent days.", Insert the following:

-- subsequent days;

wherein, in response to determining not to schedule a particular one of said periodic series of delivery vehicle visits:

identifying, and presenting to the user, two or more alternative time windows; and

allowing said user to schedule said particular delivery vehicle visit to be made within a particular one of said two or more alternative time windows; and

wherein said step of allowing said user to specify a schedule for said periodic series of delivery vehicle visits includes allowing said user to specify a certain number of delivery vehicle visits to be completed in said series, and a frequency with which said delivery vehicle visits are to occur. --

Claim 49, last line of the claim: Delete "subsequent days.", Insert the following:

-- subsequent days;

wherein, in response to determining not to schedule a particular one of said periodic series of delivery vehicle visits:

identifying, and presenting to the user, two or more alternative time windows; and

allowing said user to schedule said particular delivery vehicle visit to be made within a particular one of said two or more alternative time windows; and

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wherein said step of allowing said user to specify a schedule for said periodic series of delivery vehicle visits includes allowing said user to specify a certain number of delivery vehicle visits to be completed in said series, and a frequency with which said delivery vehicle visits are to occur. --

Claim 71, last line of the claim: Delete "subsequent days.", Insert the following:

-- subsequent days;

wherein, in response to determining not to schedule a particular one of said periodic series of delivery vehicle visits:

identifying, and presenting to the user, two or more alternative time windows; and

allowing said user to schedule said particular delivery vehicle visit to be made within a particular one of said two or more alternative time windows; and

wherein said step of allowing said user to specify a schedule for said periodic series of delivery vehicle visits includes allowing said user to specify a certain number of delivery vehicle visits to be completed in said series, and a frequency with which said delivery vehicle visits are to occur. --

✓ ✓
Please cancel **claims 80 and 81**.

Reasons for Allowance

2. Claims 1-9, 32-36, 49-52, 71-73, 79, and 82 are allowed.

3. The following is an examiner's statement of reasons for allowance:

The closest prior art of record is Borders et al. (US 2001/0047285) in view of the article "E-Business in the New Beverage Marketplace." Borders teaches the various claimed aspects of providing an interface to a user to schedule deliveries; however, the user must schedule each delivery separately. "E-Business in the New Beverage Marketplace" discloses the concept of scheduling reoccurring deliveries at a customer-specified frequency (e.g., weekly or biweekly); however, this article fails to disclose the details of allowing the user to specify a certain number of delivery vehicle visits to be completed in the series. Furthermore, while the Examiner asserts that the concept of providing a user with alternate delivery times is old and well-known in the art of scheduling deliveries, the article "E-Business in the New Beverage Marketplace" does not address any problems that may arise with a weekly or biweekly delivery of items. Therefore, the Examiner submits that the Borders-"E-Business in the New Beverage Marketplace" does not teach or suggest the details of determining not to schedule a particular one of said periodic series of delivery vehicle visits by identifying, and presenting to the user, two or more alternative time windows and allowing said user to schedule said particular delivery vehicle visit to be made within a particular one of said two or more alternative time windows in combination with allowing said user to specify a certain number of delivery vehicle visits to be completed in said series and a frequency

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with which said delivery vehicle visits are to occur since neither Borders nor "E-Business in the New Beverage Marketplace" explains how an inability to meet one of a plurality of requested reoccurring deliveries would be addressed. Claims 1-9, 32-36, 49-52, 71-73, 79, and 82 recite this combination of limitations in a periodic series of delivery scheduling environment; therefore, claims 1-9, 32-36, 49-52, 71-73, 79, and 82 are deemed to be allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Masahiro (GB 2368426 A) -- Discloses a delivery scheduling and updating system.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 31, 2005

Susanna Diaz

**SUSANNA M. DIAZ
PRIMARY EXAMINER**

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